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NO. 5302 P. 1



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DATE: November 2, 2009

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FOR: Examiner Z. Lu

COMPANY: U.S. Patent Office
Art Unit 2618

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FROM: Timothy D. MacIntyre

5259-000043/US/NP

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COMMENTS:

Serial No. 10/519,858

Filed: 12/29/2004

Attached please find an Applicant Initiated Interview Request Form for the interview scheduled for Thursday, November 5, 2009 @ 2:00 p.m.

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Applicant Initiated Interview Request Form

Application No.: 10/519,858

First Named Applicant: Hayashi

Examiner: Z. Lu

Art Unit: 2618

Status of the Application: pending final Office Action

Issues to be Discussed:

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ng in view of Kern and Muirhead.

First, applicant notes that the pending claims recite that the 1st and 2nd waveforms have different starting points. The Examiner appears to rely upon Ng to teach this aspect of the claimed invention. However, in Ng, waveforms have the same starting points (i.e., high). This is an important distinction because decoding relies upon the sequence of high/low states as described on page 3 of the specification.

Second, application proposes to amend the pending claims to recite

"replacing consecutive instances of the second waveform with the third waveform when the second waveform occurs consecutively in the data sequence".

Would such an amendment overcome the current rejections?

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